

ENTERED

April 24, 2020

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

DAVID ALLEN HAVERKAMP; aka
HAVERKAMP,

Plaintiff,

VS.

JOSEPH PENN, *et al*,

Defendants.

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CIVIL ACTION NO. 2:17-CV-18

**ORDER DENYING PLAINTIFF'S
FOURTH REQUEST TO APPOINT ATTORNEY**

Pending before the Court is Plaintiff's Fourth motion to appoint an attorney. (D.E.

132). The motion is **HEREBY DENIED**. As previously stated by the Court (D.E.s 13, 43 & 92) when considering the legal factors at issue in this matter:

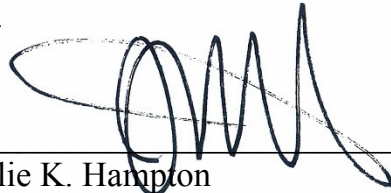
- (1) Plaintiff's allegations, although serious, are not complex;
- (2) Plaintiff is in a position to adequately investigate and present the case. Plaintiff's pleadings demonstrate that Plaintiff is very intelligent, articulate, and able to describe the facts underlying the claims in this lawsuit. Plaintiff appears, at this stage of the case, to be in a position to adequately investigate and present the case. Plaintiff has filed several motions and cited to cases demonstrating that Plaintiff knows how to use the law library. Plaintiff also can also request assistance from other inmates.
- (3) Plaintiff's claims have not yet been scheduled for trial. Therefore, a determination of whether the evidence will consist of conflicting testimony so as to require skill in the presentation of evidence and cross-examination is premature.
- (4) Plaintiff has not shown that exceptional circumstances require the appointment of counsel.
Jackson v. Dallas Police Department, 811 F.2d 260, 261-62 (5th Cir. 1986) (*citing Ulmer v. Chancellor*, 691 F.2d 209 (5th Cir. 1982)).

There is no constitutional right to appointment of counsel in civil rights cases.

Akasike v. Fitzpatrick, 26 F.3d 510, 512 (5th Cir. 1994); *Branch v. Cole*, 686 F.2d 264, 266 (5th Cir. 1982). Further, Plaintiff is not prohibited from hiring an attorney on a contingent-fee arrangement.

Plaintiff's fourth motion for appointment of counsel (D.E. 132) is **DENIED** without prejudice at this time. This order will be *sua sponte* reexamined as the case proceeds.

ORDERED this 24th day of April, 2020.

A handwritten signature in black ink, consisting of a large loop followed by several smaller, connected loops, resembling a stylized 'J' or 'M'.

Julie K. Hampton
United States Magistrate Judge